HD

UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/684,804	10/15/2003	Brian F. Hershkowitz	027776-0109	1691

22428   7590   10/29/2007

FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

EXAMINER
WILLIAMS, MAURICIO E

ART UNIT	PAPER NUMBER
4124	

MAIL DATE	DELIVERY MODE
10/29/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/684,804	HERSHKOWITZ ET AL.
	Examiner	Art Unit
	Mauricio E. Williams	4124

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *19 March 2004*.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-17* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-17* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on *08 December 2003* is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some *   c) ☒ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

Detailed Office Action

Status of Claims

1.   Claims 1-17 have been examined.

Claim Rejections - 35 USC § 101

2.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3.   Claims 10-17 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. A computer program *per se* "program product" doesn't fall in one of the four categories. The descriptions or expressions of the programs, are not physical "things." They are neither computer components nor statutory processes, as they are not "acts" being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer which permit the computer program's functionality to be realized. In contrast, a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized, and is thus statutory. See Lowry, 32 F.3d at 1583-84, 32 USPQ2d at 1035.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the

basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
section 102 of this title, if the differences between the subject matter sought to be patented and
the prior art are such that the subject matter as a whole would have been obvious at the time the invention was
made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be
negatived by the manner in which the invention was made.

5.   Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Patent No. 2002/0035520 to (Weiss) Weiss et al. in view of U.S. Patent No. 5,274,547

Zoeffel et al. (Zoeffel).

In Reference to Claim 1

Weiss teaches:

A method of generating a report (adjusted equity loan information, paragraph

[0092]) for use in assessing the credit worthiness of a borrower in a potential

financing transaction (AAEL, paragraph [0086,0092]) with a lender (lender,

paragraph [0088]), comprising the steps of:

obtaining personal credit information (credit reporting or rating information,

paragraph [0087]) about said borrower (client, paragraph [0092]) from a credit

reporting services (third party systems, paragraph [0087]);

matching said borrower's address (client address) with a property (subject

property) in a database (DB 161) containing property information (relevant

information, paragraph [0081]), and obtaining property information pertaining to

said matched property from said database (see paragraphs [0081, 0091]);

obtaining value information about said matched property (valuation of the

subject property, paragraph [0081]);

aggregating said combined credit information about said borrower, said

property information pertaining to said matched property and said value

information pertaining to said matched property (step 258 , paragraph [0092]);

and generating said report (adjusted equity loan information, paragraph [0092])

from said aggregated data.

However, Weiss does not explicitly teach:

Obtaining personal credit information about said borrower from a plurality

of credit reporting services and combining said credit information, and

aggregating the combined credit information.

Zoeffel teaches:

Obtaining personal credit information about said borrower from a plurality

of credit reporting services (credit repositories) combining (data merging) said

credit information (see col. 3 lines11-29), in order to acquire credit information

from multiple repositories of credit information, eliminate duplicate items, and

selecting the most accurate of different versions of the same items (col. 3, lines

58-61).

It would have been obvious to one having ordinary skill in the art at the time of the

invention to have substituted the third party credit reporting system information of Weiss

with the combined credit information of Zoeffel in order to acquire credit information

from multiple repositories of credit information, eliminate duplicate items, and selecting

the most accurate of different versions of the same items as explicitly taught by Zoeffel.

When Weiss is modified by Zoeffel, the combined credit information would then be

aggregated rather than the third party credit reporting system information.

In Reference to Claim 2

Weiss as modified by Zoeffel teaches:

A method according to claim 1(see rejection of claim 1 above), wherein

said step of obtaining personal credit information about said borrower includes

connecting to and collecting information from at least three credit reporting

agencies (see Zoeffel col.3, lines 18-22).

In Reference to Claim 3

Weiss as modified by Zoeffel teaches:

A method according to claim 2 (see rejection of claim 2 above), wherein

said collecting of information from at least three credit reporting agencies is done

in parallel (see Zoeffel, col. 7, lines 1-10, Fig. 1, No. 30, 32, 34, Fig.3 Step 4).

In Reference to Claim 4

Weiss as modified by Zoeffel teaches:

A method according to claim 1 (see rejection of claim 1 above), wherein

the step of obtaining property information pertaining to said matched property

from said database includes at least one of an assessed value, a legal

description, a number of bedrooms, a number of bathrooms and a type of construction of the matched property (see Weiss para 25, 38, 41).

In Reference to Claim 5

Weiss as modified by Zoeffel teaches:

A method according to claim 1(see rejection of claim 1 above), wherein the step of matching said borrower's address with a property in a database further comprises selecting a database containing public record information on real property (see Weiss para 25).

In Reference to Claim 6

Weiss as modified by Zoeffel teaches:

A method according to claim 1 (see rejection of claim 1 above), wherein the step of obtaining value information about said matched property includes generating said value information using at least one of an assessed value, an appraised value of said matched property and historic valuation data of said matched property (see Weiss para 25,34).

In Reference to Claim 7

Weiss as modified by Zoeffel teaches:

A method according to claim 2 (see rejection of claim 2 above), wherein the step of aggregating includes combining the personal credit information

collected from said at least three credit reporting agencies with said property

information pertaining to said matched property and said value information

pertaining to said matched property (see Zoeffel col. 3 lines 18-28).

In Reference to Claim 8

Weiss as modified by Zoeffel teaches:

A method according to claim 1 (see rejection of claim 1 above), further

comprising a final step of communicating said report to a customer (see Zoeffel

col. 3 lines 31-34, Fig. 3 Step 7). ~~and Weiss para [0093] step 264~~

In Reference to Claim 9

Weiss as modified by Zoeffel teaches:

A report generated by the method of claim 1 (see Zoeffel col. 3 lines 31-

34, Fig. 3 Step 7). This is read as a product-by-process claim. Since claim 9 is

supposedly dependent on Claim 1, there is no information showing how to make

a report in claim 1.

6.   Claims 10-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over

U.S. Patent No. 2002/0035520 to (Weiss) Weiss et al. in view of U.S. Patent No.

5,274,547 Zoeffel et al. (Zoeffel).

<u>In Reference to Claim 10</u>

Weiss teaches:

> A program product for generating a report (Fig. 1A, 1B and 1C, paragraph 0024,
>
> adjusted equity loan information, paragraph [0092]) for use in assessing the
>
> credit worthiness of a borrower (client, paragraph [0092]) in a potential financing
>
> transaction (AAEL, paragraph [0086,0092]) with a lender (lender, paragraph
>
> [0088]), said product comprising machine-readable program code(AAEL, para.
>
> 0029) for causing, when executed, a machine to perform the following method
>
> steps:

>> obtaining personal credit information (credit reporting or rating
>
> information, paragraph [0087]) about said borrower (client, paragraph [0092])
>
> from a credit reporting services (third party systems, paragraph [0087]);
>
> matching said borrower's address (client address) with a property (subject
>
> property) in a database (DB 161) containing property information (relevant
>
> information, paragraph [0081]), and obtaining property information pertaining to
>
> said matched property from said database (see paragraphs [0081, 0091]);

>> obtaining value information about said matched property (valuation of the
>
> subject property, paragraph [0081]);

>> aggregating said combined credit information about said borrower, said
>
> property information pertaining to said matched property and said value
>
> information pertaining to said matched property (step 258 , paragraph [0092]);

and generating said report (adjusted equity loan information, paragraph [0092])

from said aggregated data.

However, Weiss does not explicitly teach:

Obtaining personal credit information about said borrower from a plurality

of credit reporting services and combining said credit information, and

aggregating the combined credit information.

Zoeffel teaches:

Obtaining personal credit information about said borrower from a plurality

of credit reporting services (credit repositories) combining (data merging) said

credit information (see col. 3 lines11-29), in order to acquire credit information

from multiple repositories of credit information, eliminate duplicate items, and

selecting the most accurate of different versions of the same items (col. 3, lines

58-61).

It would have been obvious to one having ordinary skill in the art at the time of the

invention to have substituted the third party credit reporting system information of Weiss

with the combined credit information of Zoeffel in order to acquire credit information

from multiple repositories of credit information, eliminate duplicate items, and selecting

the most accurate of different versions of the same items as explicitly taught by Zoeffel.

When Weiss is modified by Zoeffel, the combined credit information would then be

aggregated rather than the third party credit reporting system information.

In Reference to Claim 11

Weiss as modified by Zoeffel teaches:

A program product according to claim 10 (see rejection of claim 10

above), wherein said step of obtaining personal credit information about said

borrower includes connecting to and collecting information from at least three

credit reporting agencies (see Zoeffel col.3, lines 18-22).

In Reference to Claim 12

Weiss as modified by Zoeffel teaches:

A program product according to claim 11 (see rejection of claim 11

above), wherein said collecting of information from at least three credit reporting

agencies is done in parallel (see Zoeffel, col. 7, lines 1-10, Fig. 1, No. 30, 32, 34,

Fig.3 Step 4).

In Reference to Claim 13

Weiss as modified by Zoeffel teaches:

A program product according to claim 10 (see rejection of claim 10

above), wherein the step of obtaining property information pertaining to said

matched property from said database includes at least one of an assessed value,

a legal description, a number of bedrooms, a number of bathrooms and a type of

construction of the matched property (see Weiss para 25, 38, 41).

In Reference to Claim 14

Weiss as modified by Zoeffel teaches:

A program product according to claim 10 (see rejection of claim 10

above), wherein the step of matching said borrower's address with a property in a

database further comprises selecting a database containing public record

information on real property (see Weiss para 25).

In Reference to Claim 15

Weiss as modified by Zoeffel teaches:

A program product according to claim 10 (see rejection of claim 10

above), wherein the step of obtaining value information about said matched

property includes generating said value information using at least one of an

assessed value, an appraised value of said matched property and historic

valuation data of said matched property (see Weiss para 25,34).

In Reference to Claim 16

Weiss as modified by Zoeffel teaches:

A program product according to claim 11 (see rejection of claim 11

above), wherein the step of aggregating includes combining the personal credit

information collected from said at least three credit reporting agencies with said

property information pertaining to said matched property and said value

information pertaining to said matched property (see Zoeffel col. 3 lines 18-28).

<u>In Reference to Claim 17</u>

Weiss as modified by Zoeffel teaches:

A program product according to claim 10 (see rejection of claim 10

above), further comprising a final step of communicating said report to a

customer (see Zoeffel col. 3 lines 31-34, Fig. 3 Step 7). *and Weiss para[0093] step 264* *WS*

Conclusion

The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure. US Patent No. 6,178,406 B1, Cheetham et al. discusses a

method of estimating the value of real property using a single family residence.

Attributes and prices between the value of subject and comparable properties are used.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Mauricio E. Williams whose telephone number is (571)

270-5051. The examiner can normally be reached on M-F 8:30 a.m. to 5:30 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kenneth Bomberg can be reached on (571) 272-4922. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see **http://pair-direct.uspto.gov**. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mauricio E. Williams
Patent Examiner

October 12, 2007

KENNETH BOMBERG
SUPERVISORY PATENT EXAMINER